

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA, <div style="text-align: center;">Plaintiff,</div> <div style="text-align: center;">vs.</div> KEVIN J. YALE, <div style="text-align: center;">Defendant.</div>))))))))))	8:05CR191 ORDER
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This matter is before the court on the motion for an extension of time by defendant Kevin J. Yale (Yale) (Filing No. 13). Yale seeks an extension of time to May 31, 2005, to file pretrial motions pursuant to paragraph 3 of the progression order (Filing No. 6). Defense counsel represents to the court that counsel for the government has no objection to the extension. Yale has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Yale consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 14). Although the pretrial motions were due May 18, 2005, counsel for the defendant has shown good cause for an extension of the pretrial motion deadline. Time under the Speed Trial Act will be excluded from the original pretrial motion deadline. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Defendant Yale's motion for an extension of time (Filing No.13) is granted. Defendant Yale is given until **on or before May 31, 2005**, in which to file pretrial motions pursuant to the progression order (Filing No. 6). The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **May 18, 2005 and May 31, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The trial setting of June 28, 2005, before Judge Laurie Smith Camp and a jury is **canceled**, and the trial will be re-scheduled following the disposition of any pretrial motions filed in accordance with this order.

DATED this 31st day of May, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge